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**AUG 25 2005**

**OFFICE OF PETITIONS**

In re Application of  
Stavrianopoulos, et al.  
Application No. 10/763,102  
Filed: January 22, 2004  
Attorney Docket No. Enz-61(D3)

DECISION  
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2005, to revive the above-identified application.

This application became abandoned for failure to timely reply to Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice), mailed August 11, 2004, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received, this application became abandoned on October 12, 2004. A Notice of Abandonment was mailed on May 12, 2005.

Petitioner has submitted a reply to the August 11, 2004 Notice, the instant petition under 37 CFR 1.137(b) and required petition fee, and an acceptable statement regarding the unintentional nature of the delay in responding to the August 11, 2004 Notice.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The petition is **granted**.

After the mailing of this decision, the file will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions